

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. 03-CV-12497

PREMIER CAPITAL LLC.)
Plaintiff,)
)
v.)
)
BEVERLY JOHNSON PENZELL)
d/b/a Law Office of Kris E. Penzell)
and BEVERLY JOHNSON)
PENZELL, as personal)
Representative of the ESTATE OF)
KRIS E. PENZELL,)
Defendants.)

JOINT MOTION TO STAY AND
AMEND DISCOVERY SCHEDULE FOR THE
PURPOSE OF CONDUCTING MEDIATION

The parties move on a joint basis to extend the remaining dates proposed under the prior Proposed Discovery Schedule as follows:

Proposed Discovery Plan:

- A. That discovery be stayed while the parties are being referred to the Federal Court sponsored mediation program;
- B. Should the parties fail to resolve the matter at mediation, that the Court lift the stay and issue the parties a 30 day deadline to complete any fact and expert witness discovery in the matter;
- C. In the event the stay is lifted by the Court, that dispositive motions be filed within 60 days from the date the stay is lifted.

As grounds for this request, the parties state as follows:

1. The parties have agreed that this matter be referred to the Federal Court sponsored mediation program and that the first judge available be assigned to mediate the matter.

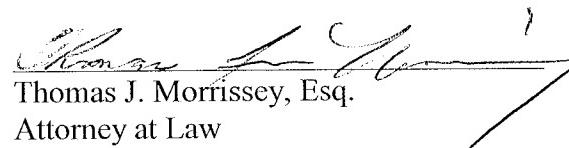
2. It is the understanding of the parties that the Court will refer this matter to mediation today and that a judge will be assigned to the matter as soon as possible.

3. The parties have agreed that should the matter fail at mediation, an additional 30 days will be required to complete any outstanding discovery issues.

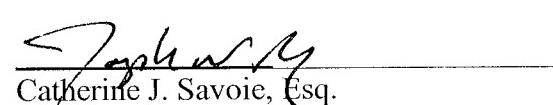
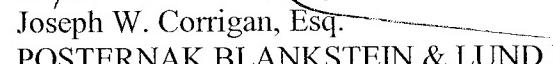
4. The parties all agree that any dispositive motions should be filed within 60 days from the date this stay may be lifted by this Court.

WHEREFORE, the parties pray that this Motion be allowed.

PLAINTIFF PREMIER CAPITAL,
By its Attorney,


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